

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**Leroy David Deberry and Linda Hill Deberry**

a/k/a David Deberry, Leroy D Deberry, Linda

**Case No. 11-80707**

Kaye Deberry, Linda Deberry, Linda K Todd

S.S. Nos.: xxx-xx-0775 and xxx-xx-8916

Mailing Address: 10001 Academy Road, Laurinburg, NC 28352-

Debtors.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on April 28, 2011.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: May 17, 2011

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt

N.C. State Bar No. 10212

Counsel for the Debtors

6616-203 Six Forks Rd.

Raleigh, N.C. 27615

Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

# CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)

Date: 4/20/11

Lastname-SS#: DeBerry-0075

## RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Creditor Name	Sch D #	Description of Collateral
Scotland County Taxes	5	House & Lot
Canady's Pest Control		Contract

## SURRENDER COLLATERAL

Creditor Name	Description of Collateral
None	

## ARREARAGE CLAIMS

Creditor Name	Sch D #	Arrearage Amount	(See †)
Scotland County Taxes	5		**
Canady's Pest Control			**
			**
			**
None			**
			**
			**
			**

## REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral
None	

## LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
None			N/A	n/a		
			N/A	n/a		
			N/A	n/a		
			N/A	n/a		

## STD - SECURED DEBTS <sup>a</sup> FMV

Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
CACH LLC	1		5.00			Avoid lien pursuant to 522(f).
CACH LLC	2		5.00			Avoid lien pursuant to 522(f).
LNVV Funding	3		5.00			Avoid lien pursuant to 522(f).
Unistates Credit Agency	6		5.00			Avoid lien pursuant to 522(f).

## STD - SECURED DEBTS <sup>a</sup> 100%

Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Wells Fargo	7	\$51,695	5.00	\$517	\$1,015.96	House & Lot
Richmond Acceptance	4	\$8,000	5.00	\$49	\$157.22	2001 Honda Accord
			5.00			
			5.00			
			5.00			

ATTORNEY FEE (Unpaid part)			Amount
Law Offices of John T. Orcutt, P.C			\$2,800
SECURED TAXES			Secured Amt
IRS Tax Liens			
Real Property Taxes on Retained Realty			
UNSECURED PRIORITY DEBTS			Amount
IRS Taxes			
State Taxes			
Personal Property Taxes			
Alimony or Child Support Arrearage			
CO-SIGN PROTECT (Pay 100%)		Int. %	Payoff Amt
All Co-Sign Protect Debts (Sec*)			
GENERAL NON-PRIORITY UNSECURED			Amount**
DMI=	None(\$0)		None(\$0)

## PROPOSED CHAPTER 13 PLAN PAYMENT

\$ **\$1,244** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **2.40** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules.

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD\_(DeSardi Version 1/12/10) © LOJTO

## Other Miscellaneous Provisions

Plan to allow for 3 "waivers".

## **CERTIFICATE OF SERVICE**

I, Kaelyn McCollum , the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Kaelyn McCollum  
\_\_\_\_\_  
Kaelyn McCollum

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

NC Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

Chase  
Post Office Box 15298  
Wilmington, DE 19850-5298

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

AT&T Mobility  
Post Office Box 772349  
Ocala, FL 34477-2349

Chase Cardmember Service  
Post Office Box 15298  
Wilmington, DE 19850-5298

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

Bank of America  
ATTN: Billing Inquiries  
Post Office Box 15026  
Wilmington, DE 19850-5026

Collection Company of America  
700 Lonwater Drive  
Norwell, MA 02061-1624

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Beneficial  
Post Office Box 3425  
Buffalo, NY 14240-9733

Credit Bureau of Greensboro  
Post Office Box 26140  
Greensboro, NC 27402-0040

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Branch Banking & Trust Company  
Attn: Mr. Jack R. Hayes  
Post Office Box 1847  
Wilson, NC 27894-1847

Credit Control Corporation  
11821 Rock Landing Drive  
Mojack Building  
Newport News, VA 23606

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

CACH, LLC  
4340 S Monaco St Unit 2  
Denver, CO 80237-3408

GCS Radiology PC  
c/o OAC  
Post Office Box 371100  
Milwaukee, WI 53237-2200

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

CACH, LLC  
4340 S Monaco St Unit 2  
Attn: Managing Agent  
Denver, CO 80237-3408

GE Money Bank  
Bankruptcy Dept.  
Post Office Box 103104  
Roswell, GA 30076-3104

Internal Revenue Service (ED)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Canady's Termite & Pest Control  
Post Office Box 1693  
Laurinburg, NC 28353

GMAC  
c/o Tate & Kirlin Associates  
2810 Southampton Road  
Philadelphia, PA 19154-1207

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Charlotte Radiology  
Post Office Box 30488  
Charlotte, NC 28230

Home QSR  
Post Office Box 13716  
Sacramento, CA 95853

IC Systems, Inc.  
444 Highway 96 East  
Post Office Box 64887  
Saint Paul, MN 55164-0887

National Finance Company  
1419 South Main Street  
Laurinburg, NC 28352

Sandhills Regional Medical Center  
c/o Capio Partners  
2222 Texoma Parkway  
Suite 150  
Sherman, TX 75090

Internal Revenue Service  
Post Office Box 7346  
Philadelphia, PA 19101-7346

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

Scotland County Tax Collector  
Post Office Box 488  
Laurinburg, NC 28352-0488

Lenscrafters  
c/o GE Money Bank Bankruptcy Dept.  
Post Office Box 103106  
Roswell, GA 30076

North Carolina Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

Sears  
133200 Smith Road  
Cleveland, OH 44130

Livingston Financial LLC  
800 Brooksedge Boulevard  
Westerville, OH 43081

North Carolina Dept of Revenue  
Post Office Box 1168  
Raleigh, NC 27602-1168

Shapiro & Ingle, LLP, Attorneys  
10130 Perimeter Parkway, Ste 400  
Attn: Managing Agent  
Charlotte, NC 28216

Lowe's  
Post Office Box 981064  
El Paso, TX 79998-1064

North Carolina Employment Security  
Commission  
Post Office Box 26504  
Raleigh, NC 27611-6504

Stern and Associates. PA  
415 North Edgeworth Street  
Suite #210  
Greensboro, NC 27401

LVNV Funding  
c/o Sessoms & Rogers  
Attn: Managing Agent  
Post Office Box 52508  
Durham, NC 27717

Pinehurst Surgical Clinic  
35 Memorial Drive  
Pinehurst, NC 28374

The Law Offices of John T. Orcut  
6616-203 Six Forks Road  
Raleigh, NC 27615

LVNV Funding, LLC  
P.O. Box 740281  
Houston, TX 77274

Richmond Acceptance  
Post Office Box 1146  
Rockingham, NC 28380

Unistates Credit Agency  
Attn: Managing Agent  
2908 Wherle Drive, Suite #1  
Buffalo, NY 14221

Malboro Chesterfield Pathology  
c/o George Brown & Associates  
2200 Crownpoint Executive Drive  
Charlotte, NC 28227-7754

Richmond Acceptance Corporation  
Attn: Managing Agent  
Post Office Box 1146  
Rockingham, NC 28380-1146

US Attorney's Office  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

Mid Carolina Radiology  
Post Office Box 1007  
Sanford, NC 27331-1007

Sandhills Regional Medical Center  
c/o Paragn Revenue Group  
216 Le Phillip Court NE  
Concord, NC 28025-2954

Wells Fargo Home Mortgage  
Post Office Box 10335  
Attn: Managing Agent  
Des Moines, IA 50306